

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

MACE GAMMON (# 153791)

PLAINTIFF

v.

No. 4:10CV117-P-S

LEITHA OAKES, ET AL.

DEFENDANTS

**ORDER *DENYING* PLAINTIFF'S MOTION
[18] FOR RELIEF FROM JUDGMENT OR ORDER;
DISMISSING AS MOOT PLAINTIFF'S MOTION [19] TO AMEND COMPLAINT;
DISMISSING AS MOOT [20] MOTION FOR THE COURT TO TAKE ACTION**

This matter comes before the court on the plaintiff's motion for reconsideration of the court's March 3, 2011, memorandum opinion and final judgment in this case. In that opinion and final judgment, the court dismissed the instant complaint under the doctrine of *res judicata*, based on the court's dismissal of these claims in another case in this court, *Gammon v. Oakes*, 4:10CV19-P-A, which was dismissed for failure to state a claim upon which relief could be granted. The court interprets the motion, using the liberal standard for *pro se* litigants set forth in *Haines v. Kerner*, 404 U.S. 519 (1972), as a motion for relief from a judgment or order under FED. R. CIV. P. 60. An order granting relief under Rule 60 must be based upon: (1) clerical mistakes, (2) mistake, inadvertence, surprise, or excusable neglect, (3) newly discovered evidence, (4) fraud or other misconduct of an adverse party, (5) a void judgment, or (6) any other reason justifying relief from the operation of the order.

Gammon has brought no new facts to bear this case, and he has not addressed the fact that the issues in this case have already been decided. Thus, the plaintiff has neither asserted nor proven any of the specific justifications for relief from an order permitted under Rule 60. In

addition, the plaintiff has not presented “any other reason justifying relief from the operation” of the judgment. As such, the plaintiff’s request for reconsideration is **DENIED**.

Given the court’s holding on the plaintiff’s motion to dismiss, his motion [19] to amend his complaint, as well as his motion [20] for the court to take additional action in this case are **DISMISSED** as moot.

SO ORDERED, this the 19th day of April, 2011.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE